

ORDINANCE NO. 2245

AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY TO PERMIT GARAGE/STUDIO APARTMENTS WITH PARKING AS SPECIAL USE EXCEPTIONS IN GR GENERAL RESIDENTIAL DISTRICTS

WHEREAS, the Sussex County Council is desirous of providing as additional type of affordable housing in GR General Residential Districts to its constituents; and

WHEREAS, the Sussex County Council is desirous of providing an additional means by which people who work in the local area may afford housing near their workplaces; and

WHEREAS, the Sussex County Council is desirous of providing homeowners with a potential to derive additional income from their residences; and

WHEREAS, the Sussex County Council believes that the homeowners of Sussex County may use income generated from the rental of garage apartments to pay for upgrades to their residences; and

WHEREAS, Garage/Studio apartments are currently designated as Special use exceptions in the AR-1, AR-2 and MR zoning districts, and it is appropriate to also designate them as Special use exceptions in the GR zoning district where medium density residential uses are permitted:

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

SECTION 1. Chapter 115, Article VI, Section §115-40, Special use exceptions, is hereby amended as follows:

§115-40. Special use exceptions.

Special use exceptions may be permitted by the Board of Adjustment in accordance with the provisions of Article XXVII of this Chapter and may include:

C. Other special use exceptions as follows:

Alteration, extension or replacement of a nonconforming manufactured home, subject to the provisions of §115-196 [**Amended 10-12-2010 by Ord. No. 2152**]

Cemeteries for pets

Commercial communications towers and antennas [**Added 4-24-2001 by Ord. No. 1445**]

Commercial greenhouses, wholesale or retail

Convalescent homes, nursing homes or homes for the aged

Day nurseries or child-care centers

Farm ponds on less than five acres, subject to §115-219

Frog or fish farms **[Repealed 11-26-1991 by Ord. No. 806]**

Garage/Studio Apartments, provided that at least one parking space for the exclusive use of the tenant is included on the premises.

More than one manufactured home, meeting the requirements of §115-20A(1), may be permitted on a farm of 10 acres or more pursuant to §115-21A(5), provided that all manufactured homes or dwellings on the property are the primary place of residence for persons employed on the premises or immediate members of the family owning or operating the farm, and provided that the granting of this exception will not adversely affect the values or uses of adjacent properties. **[Amended 3-25-1997 by Ord. No. 1131; 10-12-2010 by Ord. No. 2152]**

Nurseries for growing of plants, trees and shrubs, including a building for sale of products produced on the premises

Private garages for more than four automobiles and with floor area of more than 900 square feet in a residential district

Public telephone booths in residential districts

Telephone central offices, provided that all storage of materials, all repair facilities and all housing of repair crews are within a completely enclosed building

Tourist homes (also referred to as "bed-and-breakfast inns") **[Added 5-16-1989 by Ord. No. 585]**

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2245 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 27TH DAY OF MARCH 2012.



**ROBIN A. GRIFFITH
CLERK OF THE COUNCIL**